

Indiana University
BLOOMINGTON FACULTY COUNCIL
October 7, 2014
Kelley School of Business – CG 1034
3:30 P.M. – 5:30 P.M.

Attendance

MEMBERS PRESENT: Abhijit Basu, Purnima Bose, Andy Braden, Lori Duggan, David Estell, David Fisher, Lessie Jo Frazier, Thomas Gieryn, Laura Ginger, Krista Glazewski, Margaret Gray, Dennis Groth, Daphna Rae Greiner, Brady Harman, Bradley Heim, Israel Herrera, Ed Hirt, Timothy Hoch, Jonathan Karty, Bradley Levinson, Karma Lochrie, Laura McCloskey, Joseph Miller, Sharlene Newman, John Paolillo, Deanna Reising, Lauren Robel, Ben Robinson, Leslie Rutkowski, Steve Sanders, Micol Seigel, Jim Sherman, Jon Simons, Rebecca Spang, Geoff Sprinkle, Cassidy Sugimoto, Herbert Terry, Frances Trix, Justin Vasel, Edward Vasquez, Nona Watt, Sun-Un Yang

MEMBERS ABSENT WITH ALTERNATES PRESENT: Marlon Bailey (Joel Stager), Alyce Fly (David Koceja), Jon Macy (Hsein-Chang Lin), Jennifer Pearl (Rachel Lawmaster), Jamie Prenkert (Laura Ginger); Catherine Sherwood-Laughlin (M. Aaron Sayeg); James Wimbush (David Daleke)

MEMBERS ABSENT: Joelle Bahloul, David Baxter, Carrie Docherty, Nathan Ensmenger, Gerhard Glomm, Jeff Hass, Gretchen Horlacher, Cheng Kao, Jon Lozano, Patricia McManus, Michael McRobbie, Williamson Swanson, Alex Tanford, Mikel Tiller, Michael Wade, Rega Wood

GUESTS: Mark Bruhn (Public Safety/ Inst. Assurance, OEVP); MJ Slaby (Herald-Times); Ashleigh Sherman (Indiana Daily Student); Catherine Dyar (Office of the Provost); Bob Kravchuk (Budgetary Affairs Committee Co-Chair); Robert McDonald (Technology Policies Committee, Chair)

Agenda

1. Approval of Minutes

<http://www.indiana.edu/~bfc/docs/minutes/14-15/09.02.14.pdf>

2. Memorial Resolutions for Camilla Williams and Robert Klotman

Camilla Williams: <http://www.indiana.edu/~bfc/docs/circulars/14-15/B7-2015.pdf>

Robert Klotman: <http://www.indiana.edu/~bfc/docs/circulars/14-15/B8-2015.pdf>

3. Executive Committee Business (10 minutes)
(Faculty President Jim Sherman)

4. Presiding Officer's Report (10 minutes)

(Provost Lauren Robel)

5. Question / Comment Period¹

6. Military Equipment and the Indiana University Police Department (30 minutes)

(Jerry Minger, Superintendent of Public Safety, Laury Flint, Chief of Indiana University Police Department) [DISCUSSION]

7. Bloomington Faculty Council Committee Reports (30 minutes)

[DISCUSSION]

Budgetary Affairs – Robert Kravchuk

Student Academic Appointee Affairs – Margot Gray

Educational Policies – Ben Robinson

Student Affairs – David Estell

Faculty Affairs – Cassidy Sugimoto

Technology Policies – Robert McDonald

8. Resolution on Academic Freedom (30 minutes)

(Professor Steve Sanders) [ACTION ITEM]

<http://www.indiana.edu/~bfc/docs/circulars/14-15/B9-2015.pdf>

Minutes

AGENDA ITEM 1: APPROVAL OF THE MINUTES

ROBEL: Could I ask – ? Here's my request, if you are a member of the Council and you have any thoughts that you might speak today, it would be better for you to be over here. Otherwise I'm not going to guarantee that I will necessarily turn around and notice that you're up here. If you're not a member of the Council, you're perfectly – I – I recommend that [Audio Not Available]

AGENDA ITEM 2: MEMORIAL RESOLUTIONS FOR CAMILLA WILLIAMS AND ROBERT KLOTMAN

GIERYN: Camilla Ella Williams was born in Danville, Virginia in the segregated south on October 18, 1919, youngest of the four children of Cornelius Booker, a chauffeur, and Fannie Carey Williams. Her grandfather Alexander Carey was a singer and choir leader and, by age eight, Williams was singing in Danville's Cavalry Baptist Church and school as well as playing piano and dancing.

¹ Faculty who are not members of the Faculty Council and who wish to address questions to Provost Robel or President Sherman should submit their questions to the Faculty Council Office. Our documents are available at: <http://www.indiana.edu/~bfc/>. To send e-mail to the Faculty Council Office: bfcOFF@indiana.edu

When she was twelve years old, a Welsh voice teacher came to Danville to teach at a school for white girls. He decided to also teach a few black girls at a local private home, and there she was introduced to the classical repertoire, including works by Mozart and Puccini's *Madama Butterfly*. Her desire to be a concert singer was born from this early experience. Camilla was valedictorian of her 1937 graduating class at John M. Langston High School and was named outstanding graduate of the Class of 1941 at Virginia State College. She was a member of Alpha Kappa Alpha sorority and had a lifetime membership to the NAACP. She returned to Danville for the 1941-1942 school years as a third grade teacher and music instructor in the elementary schools. She was offered a scholarship from the Philadelphia Alumni Association of Virginia State College for vocal training in Philadelphia, which allowed her to study with the renowned Madame Marion Szekely-Freschl. She supported herself by working as an usherette in a Philadelphia theatre.

Camilla won the first ever Marion Anderson Award in 1943 and again in 1944. That same year, she signed with famed Columbia artist manager Arthur Judson as well as with RCA Victor and made her radio debut on the coast-to-coast RCA radio show *The Music America Loves Best*. That year, she also won top honors in the Philadelphia Orchestra Youth Concert auditions and was engaged as soloist with the Philadelphia Orchestra under Eugene Ormandy.

In 1945, at the invitation of Mrs. Howard Gilmore (for whose aunt Williams' father had served as chauffeur), Metropolitan Opera star Geraldine Farrar attended one of Williams' early concert appearances in Stamford, Connecticut. The retired diva then wrote to her concert manager, "I was quite unprepared for this young woman's obvious high gifts... I should like to voice my unsolicited appreciation and the hope that, under careful management and encouragement, the rich promise she shows will mature to even higher artistic endeavors."

On May 15, 1946, Camilla made her legendary debut with the New York City Opera in the title role of the company premiere of *Madama Butterfly*, becoming the first female African American singer to appear with a major opera company in the United States. Farrar was in the opening night audience and stated to *Newsweek*, "I would say that already she is one of the great Butterflies of our day." *The New York Times* found her to be, "an instant... success in the title role," and in her performance found "a vividness and subtlety unmatched by any other artist who has assayed the part here in many a year." Among other accolades, Williams was given the Page One Award by the New York Newspapers Guild for "bringing democracy to opera" and opening the doors to other African Americans who later found success in opera.

Later that season, she appeared at City Opera as Nedda in *Pagliacci*, and *The New York Times* proclaimed she "sang her new role with freshness of voice, charm, and personal sincerity." As City Opera's Mimi in *Boheme* in 1947, she was called "the heroine of the evening," by the *Times*, and one critic wrote, "Her Mimi is one of the most truly touching and believable

embodiments of the role I've yet seen and heard. The lovely quality of her voice, the purity and radiance of her high notes, the sensitivity and deep emotional sincerity of her acting... all contribute to the fidelity and beauty of her portrayal." In 1948, when she sang the title role of Aida in the New York City Opera's first performance of that work, the critics acclaimed, "Always she sang as a musician and an artist."

In 1951, Camilla sang the role of Bess in the historic first full-length recording of George Gershwin's *Porgy and Bess*, for Columbia Records. She was also building a reputation as a leading concert singer, a respected interpreter of art songs, and an accomplished recording artist. In 1950, with the Little Orchestra Society, she sang the role of Ilia in the first complete New York performance of Mozart's *Idomeneo*, and in 1971, she participated in the New York premiere of Handel's *Orlando*.

Camilla launched a distinguished international career when in 1950 she embarked on a concert tour of Panama, the Dominican Republic, and Venezuela, where she returned the following year for her first South American appearance in opera. Also that year, she married Charles T. Beavers, and eminent Danville-born civil rights attorney who was on the defense team of the Malcolm X trial. He preceded her in death in 1970. In 1954, she appeared as Butterfly with London's Sadler's Wells Opera, and later the same year, with more performances of Butterfly, she became the first black artist to sing a major role with the Vienna State Opera. A Vienna critic exclaimed, "Camilla Williams is a sensation!" and another wrote, "So moving is the intensity of this singer that it is unique." In 1955, she gave the first Viennese performance of Menotti's *The Saint of Bleecker Street*.

Camilla also became a frequent cultural ambassador for the United States. In 1960, she was the guest of President Eisenhower for a concert for the Crown Prince of Japan. In 1962, the Emperor of Ethiopia awarded her a gold medal, and she received the key to the city of Taipei, Taiwan, as well as the Art, Culture, and Civic Guild Award for her contribution to music. At the invitation of the U.S. State Department, she embarked upon an unprecedented tour of fourteen north and central African countries. She was subsequently invited to Ireland, Southeast Asia, the Far East, and Israel as a cultural ambassador for the State Department.

In 1963, she performed in Danville to raise funds to free jailed civil rights demonstrators, and notably, she was the soloist at the 1963 March on Washington, D.C., just before the Rev. Dr. Martin Luther King, Jr. gave his great "I Have a Dream" speech. She also sang for Dr. King's Nobel Peace Prize Ceremony in 1964.

For her pioneering achievements and outstanding artistry, Camilla has earned countless awards, including the *Chicago Defender's* trophy for bringing democracy to opera, bestowed on her in 1951; the 75th Anniversary Certificate of Merit from her alma mater, Virginia State

College, in 1957; and a presidential citation from New York University in 1959. That year she also became the first African American to receive the key to her city of birth, Danville, Virginia. IN 1960, she received the Negro Musicians Association Plaque, in addition to the WLIB Radio Award. In 1972, she was honored as a "Distinguished Virginian" by Governor Linwood Holton, one of only thirty-five Virginians so honored. IN 1979, the City of Danville dedicated Camilla Williams Park, and she was recently honored by the Library of Virginia as one of Virginia's Outstanding Women in History.

Camilla was the subject of the article "A Day with Camilla Williams" by Elizabeth Nash in *The Opera Quarterly*; the memoir *The Autobiography of Camilla Williams, African American Concert Singer and Opera Diva* with Professor Stephanie Shonekan, published by Mellen Press Ltd. In 2010; and a 2006 PBS documentary, *The Mystery of Love*, about her life with Boris Bazala, her longtime friend and accompanist, with whom she began working in 1947. Also in 2010, Camilla received the Sagamore of the Wabash. The award, the highest honor the governor of Indiana can bestow, recognizing individuals who have brought distinction and honor to the state, was presented by Indiana State Representative, Peggy Welch.

Camilla retired from opera in 1971 and became professor of voice at Brooklyn College and Bronx College until 1973. IN 1974, she began teaching at Queens College as well as with Talent Unlimited, directed by John Motley. In 1977, she became the first African American professor of voice at Indiana University, and as guest professor at Beijing's Central Conservatory in 1983, became that school's first black professor. She retired from teaching in 1997 and remained in Bloomington until her passing. Many of her students went on to be professional international singers and professors at universities throughout the United States and in Germany.

Camilla was preceded in death by her husband Charles Beavers, sisters Mary and Helen and brother, Cornelius. She is survived by beloved nieces and nephews: Anna Montgomery of Cincinnati, Ohio; Helen Mortimer of East Stroudsburg, Pennsylvania; Cornelius Williams of Laurelton, Maryland; Camilla Williams of Teaneck, New Jersey; Esther Mortimer-Packer (Dutchie) of East Stroudsburg, Pennsylvania; Michael Fultz of Los Angeles, California; Nona Lee of Cincinnati, Ohio; Helena Phillips of St. Louis, Missouri; Pamela Montgomery, Fannie Dickenson, Clifford Montgomery, Clarence Montgomery, and Jeffery Montgomery of Cincinnati, Ohio; and a great, great niece and nephew, Jocelyn Packer and Charles Packer, as well as thirty great nieces and nephews.

Camilla Williams was a greatly beloved figure in the world of music and cherished by all in Bloomington. In recognition of her great gifts, and contributions to Indiana University and the larger community of which she was such a valued member, be it resolved that this

statement shall become part of the proceedings of the Bloomington Faculty Council and be preserved in its minutes and archive.

Robert Klotman was a visionary educator, composer/arranger, conductor, and violinist. Born in Cleveland, Ohio in 1918, he was a national leader in his field. Dr. Klotman retired as Professor and Chair of the Department of Music Education at Indiana University Bloomington in 1983, where he was celebrated for his far-reaching work on string pedagogy and music administration, and for helping to bring Shinichi Suzuki (and the Suzuki method) to the U.S.

Dr. Klotman received his BS degree from Ohio Northern University in 1940, a master's degree from Case Western in 1951, a doctorate in education from Columbia (1956), and a DM degree from Ohio Northern in 1984. He was a veteran of World War II, appearing as a violinist in USO shows.

As Music Director for the Akron and Detroit public school systems, he pioneered programs for resident composers and opera in the schools. His extensive publications on teaching strings and his orchestral arrangements for school-age musicians continue to serve as important resources for youth. Dr. Klotman served as President of the Music Educators' National Conference (MENC) and the American String Teachers' Association (ASTA). In addition, he was a member of the Ford Foundation's Advisory Board of the Contemporary Music Project, received a Distinguished Service Award from MENC, and a citation from the Black Music Caucus.

In 2004 he was inducted into the Music Educators' Hall of Fame. His teaching abroad included visiting professorships in Shanghai, Canada, and Israel. Dr. Klotman conducted many all-state orchestras, taught string ensembles, and judged international competitions. After his retirement he continued an active schedule of writing, composing and conducting. Over the years, countless students – including his own children and grandchildren – benefited from his generosity and expertise.

In 2002 Dr. Klotman moved to New York's Upper West Side to be near his two children and Zabar's. A formidable poker player, a masterful joke-teller, a voracious consumer of mystery novels, and a passionate Cleveland Indians and Indiana University basketball fan, Dr. Klotman will be deeply missed by all those privileged to have known him.

Dr. Klotman died at home at the age of ninety-three on February 8, 2012. He is survived by his wife Phyllis (Professor Emerita, Indiana University), daughter Janet (Professor, English/Film, Montclair State University), son Paul (former Chair of Medicine, Mt. Sinai School of Medicine and current President/CEO Baylor College of Medicine), grandchildren Katya, Paul Max, Sam, and Alex, and great-grand-granddaughter Stella.

We request that this resolution be presented in the Bloomington Faculty Council, be preserved in its minutes and archives, and that a copy be sent to Phyllis Klotman and to their children.

ROBEL: Please – please rise. [All stand in silence] Thank you. [All sit] I’m pleased to recognize our President, Jim Sherman, for Executive Committee Business.

AGENDA ITEM 3: EXECUTIVE COMMITTEE BUSINESS

SHERMAN: Thanks, I’ll try to keep my comments brief. I’m discovering more and more that the major part of being in this position is going to meetings and meeting with people, which is not one of my strong points. But, some meetings and some occasions are better than others. Last night we had a – a dinner and a meeting for all new faculty here at IU Bloomington, and it was delightful to be there and meet some of these people, and – and Tom Gieryn gave a great presentation about some of the secrets of the Council. And if you ask him maybe he’ll share with you – maybe not.

GIERYN: Over a beer.

SHERMAN: Other – other meetings that were not bad, but not as delightful as last night. I believe it was a week ago – these things blur – I – I was at a CIC meeting in Columbus, Ohio. The meeting was for the leaders of the various faculty senates and faculty councils, and there were a lot of interesting presentations. Two of them caught my eye in particular because they were things that we will be discussing later this semester. The Friday morning session was devoted to a discussion of the – the changes in – in guidelines and decision making for the NCAA, and it was also a presentation of the – the COIA, the Council of Intercollegiate Athletics, that was actually co-founded by Bob Eno when he was president of Faculty Council here. And there was a lively discussion of the changes and what they’ll bring, and COIA’s concerns about the changes, and those are issues that we will discuss at the November 18th meeting when we have not only COIA representatives here, but also Fred Glass, the director of – or the Athletic Director, Kurt Zorn, the Faculty Athletic Representative, and the present, past, and past-past COIA representatives from this Faculty Council.

The other issue that caught my attention was a discussion of university debt and student debt. It turns out that we’re not alone in having university debt – problems with enough money. It was interesting to hear how different universities were trying to resolve both kinds of problems – university debt and trying to reduce student debt. So the Ohio State presentation by their CFO, a bit drastic of course, they made a big splash last year by privatizing their parking for – if I asked you to guess how much they sold – they privatized their parking for – believe me you’d be way too low no matter what you said. They – they sold it for about half a billion dollars, and whether that works out or not I do not know, but the CFO was asked whether they had

anything else they would like to sell off or privatize. And so I don't want to give too much away but we do own an airport – so that's their way. With regard to reducing student debt, it was a really nice presentation. I, again – one of the Ohio State people about how there may be more and more use of open access texts for their students and on November 4th, we will have a discussion of reducing student debt. MaryFrances McCourt, our CFO, will make a presentation. Brad Wheeler will talk about e-texts that we've been using more and more and I think maybe some of you – was it spread widely about the new deals he's made? Yeah. So he'll be there as well as the representative from INPIRG, and they've been really working very hard at increasing open access texts here on Bloomington's campus, so that'll be November 4th. The other thing I learned about CIC schools is that I think all faculty at all universities feel sometimes that they're ignored, neglected by administration, and not consulted as much as we'd like to be consulted. Being there kind of made me feel pretty good about where we are. I asked the – for example, I asked the people from Maryland, 'Gee, how do the faculty feel about changing conferences from the ACC to the Big 10?' And they said, 'Oh, we all found out about it from ESPN.' So they learned nothing about it. They knew nothing about it, which I don't think that would happen here. So we are not going to change [comment indistinct]

ROBEL: Athletics is not within my purview. [Laughter]

SHERMAN: I had a meeting with John Whelan, the new HR Director, and just to let you know the new plans of the new choice packet that you get will be out probably toward the end of October, and you will have at least two weeks to decide. I will tell you as I tell everyone, unless you've got a really strange situation HDHP – those four letters as to what you want. You can ask me about it at another time. There will also be one new plan to replace the IU Health Quality Partners Plan, because it was a really bad plan. I'm not sure that the replacement will be competitive with the other plans, but it'll be there. Finally, the increase in costs for these plans for this year will actually be very, very little. So, I think we've done a good job keeping the costs down. I think that's all I want to say for now. I could go on and on if you'd like but I –

AGENDA ITEM 4: PRESIDING OFFICER'S REPORT

ROBEL: Thank you. Well, I just have a few things to report. I wanted to update you all on searches and reviews. The Bloomington faculty policy requires that the involvement of the BFC and reports back to the BFC on searches and reviews, and so I just wanted to let you know where we were. We have two pending searches. One is for the Director of the IU Art Museum. Heidi is – Heidi Gealt is retiring at the end of this year, and so we have a faculty committee that is being chaired actually by Bruce Cole who's a former Trustee and former head of the – I think the NEH.

SHERMAN: Yes.

ROBEL: Right. And that has – that’s up and running and moving along. There – there’s a search for the vice provost for research, which is up and running and the search committee has been charged. There is a search going on for the dean of the Media School, but that one is within the – the College at this point. Dan Smith is chairing that search and it – but I do know it is very far along at this point, at the point where I think they’re at the cusp of getting people to the campus, which will be great. We have completed searches since 2012 for the Kelley School of Business dean, the Maurer School of Law dean, the School of Public Health dean, the Hutton Honors College dean, the vice provost for undergraduate education, the director of the Wells Scholars Program, and the director of the IU Press, who will be here – I can’t wait, but will be here within about a week. So searches is a big piece of what we do, and it’s a big part of the cooperation that we have with the Council, which is involved in appointing people to search committees with us. On reviews, the one review that was done last year and completed was the review of our Dean of Students, Pete Goldsmith. The committee completed its work and reported to me on – on the 26th of September. I will discuss the final report with Dean Goldsmith on the 7th. The BFC Executive Committee has received copies of the final report and we will prepare a summary of the report’s findings that will be made public – probably in the usual way of just putting it on reserve at the library. So at some point after I’ve met with –

SHERMAN: Today is the 7th.

ROBEL: Oh! Well, I guess it’s next week then. [Laughter] We’ve got some upcoming reviews. I met with the College Policy Committee about the three-year review for Executive Dean Larry Singell. The – the way a three-year review works is that there are – it’s essentially a survey and there are mandatory questions in our policies, and then there are questions that are drafted by the policy committee of – of the College. So that – that’s in process right now. We are working on assembling a committee to do a review of Tom Gieryn and his office. That will take place this year. And in the last year we completed reviews of the School of Informatics and Computing’s Dean Schnabel, and the School of Public and Environmental Affairs Dean Graham. So you can – I think you can get a sense from this that this is a big piece of what my staff does. It’s a lot of work to – to do but there’s really – it’s very important set of things that we do.

The other thing I wanted to give you an update on was the visit of the Office of Civil Rights on September 8th – 11th. We talked about the pending OCR visit at the last Council meeting. The ORC team was five lawyers and one investigator from the Chicago regional office. They – they’d never really had any experience with a large campus before, and I – I think they found the context a little challenging, but that – frankly, almost anybody would. They conducted sixteen student focus groups around the campus including male and female undergraduates, male and female student athletes, LGBTQ students, students who come to the campus through our Hoosier Links program, and survivors of sexual assault and their advocates. They also held open

office hours throughout the week to allow students to speak to them one on one. All of the focus groups and the office hours were conducted without any – any form of recording and without taking any students' identifying information. So the goal was to just glean from students their thoughts about the climate on the campus and how sexual assault complaints and concerns are dealt with on the campus, what the resources are, how well they know about the university's policies and processes, and how well the university responds. OCR also conducted fourteen employee interviews. They met with employees in positions that work on incidents of sexual misconduct most closely, so a lot of the student – the folks who work in the Dean of Student's Office, and they focused on what they thought might be potential hot spots. So they – they looked very closely at any place that they thought might have more representation in reports of sexual assault than other places. They – they looked very closely at what the university is doing to appropriately educate and respond to students – to students, the misconduct process, judicial hearings to ensure that they are prompt, fair, and impartial, and all of our policies. They were hopeful that more students would show up for all of these meetings, office hours, and some of the focus groups. They felt that they weren't necessarily getting a full picture of the campus because there was spotty attendance as – as you would expect. So they're likely to return to conduct a few more slightly different student interactions, sometime – sometime again in the fall. We gave the office a lot of information last spring in response to their initial information request. They'll be seeking additional information from us and we're working with that. They also require that we conduct a campus climate survey as part of their compliance review. The campus was work – already working towards this in the spring, but we're going to have to tweak our efforts to work with the Office of Civil Rights, and we're – so that probably means we'll be conducting that survey this fall, and very likely in early November. And after – after they come back to campus we'll essentially be just working with them to resolve any concerns they [comment indistinct], and our plan for satisfying any long term requirements that they may – they may have. So that's the update on OCR, and the only other thing that I wanted to report was that I will not be at your next meeting. I am going to Brazil and Chile on behalf of the university. I have meetings set up at a large number of universities with which we have partner agreements or we are seeking partner agreements on behalf of all of your schools and departments, and so I'll have to miss that one, but you will be in good hands.

SHERMAN: Lauren? Can – can I just add that I believe the testing of – or after the sexual assault change been distributed widely among the faculty – ?

ROBEL: Yes. It is up on the policy website. I have been in contact with General Counsel's office to talk through – there – there's a guidance – a policy guidance, a temporary policy guidance, up on the policy website. You should all review it. There's a – I have questions about how it articulates with our current policies. I think the best way to think about it is that the end result

of what the policies are that they have promulgated right now is they could possibly result in an administrative action which would then trigger our policies. But I'm – I raised a number of questions that I have about the policy with the General Counsel's office and will work with that office to make sure that it – it's written in a way that complies of course with what the federal government is requiring us to do, but also articulates well with our current policies and doesn't – doesn't change them in ways that – that are unnecessary in order to be in compliance with federal law.

SHERMAN: Yeah. So I suggest that people read it carefully, and if you have comments or suggestions they should be sent to whom? To you – ?

ROBEL: They – it – no. It is up on the web.

SHERMAN: It's on the web, okay.

ROBEL: It's on the web.

AGENDA ITEM 5: QUESTION / COMMENT PERIOD

ROBEL: Alright. We received one question ahead of time and it was about – it was from Frances about the

TRIX: [comment indistinct]

ROBEL: No.

TRIX: Oh, oh, the [comment indistinct]

ROBEL: Yeah. [comment indistinct] About the – about the results of the Title – that were – we've got in the last week or so about Title VI. We – we are doing – we have been doing, as in me, David Zarat, and the compliance team a – a kind of deep – trying to do as deep an analysis of that as we can. It looks like where we are right now in terms – in national terms is about second in the country, in terms of awards under the Title VI program. We had some big losses, but lots of other places did as well. The one that is of most immediate concern are the FLAS awards for students and what – what I've been working with the various – various administrators on is identifying each of those students who had hoped to be a – the recipient of a FLAS award that didn't – didn't come, and then working to find alternative funding for each of them. So I – I have had conversations with numerous people over the weekend. I think we're – we're closing in on it bit by bit and we – our goal is to try to get alternative funding for every one of the students who would be affected by this. So that's where we are, and I will be able to give more information to the Executive Committee to share at the next meeting. Thank you.

Alright, we have our – where are our visitors?

AGENDA ITEM 6: MILITARY EQUIPMENT AND THE INDIANA UNIVERSITY POLICE DEPARTMENT

SANDERS: Jerry and Laury are waiting outside.

ROBEL: Okay. While Jerry and Laury are coming in let me just say a couple of words about them. Jerry Minger is a long time member of our community. He – by long time I think he started at Indiana University back in 1972. He’s now responsible for safety and – and overall for the police forces on all of our campuses, not just the Bloomington campus. And Laury Flynt is our chief of police. Laury is – started out here graduating from our academy and worked her way through patrol officer, and really had a very, very big job to do stepping into the shoes of our last police chief who died unexpectedly and tragically. Laury has – has done a spectacular job of – I’m in the middle of introducing you two – of really thinking through the ways in which policing on a college campus is a – is a complicated and – and delicate enterprise. And so – they – I want to thank you both for coming today. I think they can’t – the BFC would like to just have you talk a little bit about the controversies that we’ve seen nationwide about the – the military equipment that has gone to police forces and just talk about where we are on this campus and – and what your approach to that has been.

MINGER: I’d like to say this – this is more like a courtroom setting. [Laughter]

ROBEL: It is, isn’t it?

SHERMAN: Well, you’re in the business school!

SEIGEL: Also, you’re under oath.

ROBEL: And I do have a gavel, so... [Laughter] It’s great to see you both. Thank you so much for coming today.

MINGER: It’s our pleasure. In fact, we’re really glad somebody asked us to come around. We respond as police officers in a lot of different ways, and rarely are we ever asked to come into a friendly group [Laughter] but I have to say, if I can go first –

FLYNT: Oh, absolutely.

MINGER: – to answer your question the – the first time I saw the attention of the troops, the officers I should say, that were at the – the scene at Montgomery – or in –

UNIDENTIFIED MALE SPEAKER: Missouri.

ROBEL: Ferguson.

MINGER: Yeah. I thought they were actually military. I thought it was the National Guard that had been called out because they were in military equipment, still in that green color from – from the military. It would have been hard to distinguish them from police officers, but the – the program, 1033 program, sometimes called the DMRO program or LESO by other acronyms, has been around for quite a few years and different departments, different law enforcement agencies have taken advantage of it to different degrees. In fact, the Bloomington paper today – I thought it was interesting where the coroner in Wyoming had a – a Humvee, M16, and a military .45 as a coroner. [Laughter] He couldn't explain why he needed those, [Laughter] but since – since it was offered to him free he thought he would take it, and it's not unlike some of the questions that we had when the program opened up to law enforcement. It was, 'God, there's all this free equipment,' and you can scan every military base across the United States with – but it wasn't a rational thing to get some of the equipment that was offered – Humvees, tanks, and things like that. It would have been financially impossible to maintain even if you had one. But there were – there was equipment that was on the list, namely rifles, that we couldn't afford financially. We did acquire six of them in 2010. Only one of them actually is deployed. They were converted/modified to match the same action as the side arms that we carry. They're semi-automatic – one pull of the trigger is one shot. But because it is a specialized weapon, we additionally train officers, and there happen to be nine that have been specially trained with these – these weapons. They – they undergo four additional days of training besides the training they have with their side arms. They have to qualify twice a year. They have to attend a minimum of three additional firearms training programs throughout the year, but it's actually risen to the level of five since they've had them. The rifles were purchased for the reason that probably most of you know, the escalation in superior weapons than law enforcement currently had to combat those kinds of issues, the prevalence of the type of firearms and shootings that we see on college campuses that – that have been escalating, and that's why they were acquired. But four years ago they were acquired mainly because they were free and we could convert them for our own use, but there's only one of them that's been deployed to an officer who's been trained to use it.

KARTY: When you say rifle, that's another open term – [comment indistinct] standard .556 M16 rifle or – ?

MINGER: Well, they're not standard anymore, but those six were, yeah. The .556, right. The barrels are changed also because military twist on a – a military weapon is different than a commercial weapon. You can't fire the same fire the same kind of ammunition through it, so the barrel's converted – is modified from fully to only shoot semi-automatic. Yes ma'am?

GLAZEWSKI: And when you say that it has been deployed to an officer, is this – is this a firearm that's carried on a regular basis or is this a firearm that is in possession and available as needed? How does that work?

MINGER: Well, Laury may want to add a little more, but before we actually deployed these rifles, we also put policies and procedures in place to make sure that the officers were trained with them. There were only certain circumstances that they would be actually taken out and charged – or ammunition put into them – while they were working. They're secured under lock and key during the – the – course of the time when the officer has them during the day locked in the trunk. Anything you want to add to that?

FLYNT: They're in a – actually locked in a box in the trunk.

GLAZEWSKI: And you say "they," you mean what?

FLYNT: The rifle.

GLAZEWSKI: A rifle.

MINGER: And also I have to add that each officer is assigned that specific weapon, because it's cited in only for him. That's one of the reasons why they were actually procured, was because it was a specialized precision weapon at long distances. Typically as a sidearm – we only qualify up to twenty-five yards with a sidearm – because it's a closer kind of altercation you might be in. Rifles, they shoot out, with the training, out to a hundred yards, and during their qualification and training they have to hit everything. They can't miss one time.

SANDERS: Two questions, just to clarify. You said one of the six has been deployed. What happened to the other five? Are they in storage some place, or do you mean only one deployed at any one time? So that was the first question, and the second one, a little more broad is – so you said – I know you weren't meaning to be flip – 'We got them, because they're free,' but what was the scenario in your mind as to what use these weapons would, as a practical matter, potentially be put to? Is it a Virginia Tech situation? Which, I think, all of us would recognize, you know, could happen anywhere unexpectedly. Is it that you're, you know, backing up the Bloomington Police Department or the Monroe County Sheriff in a drug bust, you know, some place off campus? What was the scenario that as a practical matter thought – made you think there might be a use not just in theory for this kind of thing?

MINGER: It's the second one, go ahead, Laury.

FLYNT: Boy. Well, first of all everybody is aware that we do have three members of our department who are on the countywide CIRT team, and that is one of the weapons they use on that team. So they – the members of that team – get even additional training, in addition to

the twice annually that they have to qualify, and the now five sessions a year that are specifically aimed at rifle proficiency and low lighting levels or combat situations annually. So...

ROBEL: You might want to talk a little bit about what that team is.

FLYNT: The CIRT team?

ROBEL: Yeah, I would – I wouldn't guess that people would know.

FLYNT: The CIRT team, you may have heard it sometimes called SWAT in different locations, what it is, is it's an emergency response team that's called out for special circumstances – so barricaded hostage situations, active shooter situations, those kind of things. And they are specially trained to respond to those situations. So, let's see – what? – you had two questions...

SANDERS: Well, the first was just what happened to the other five if only one [comment indistinct]?

FLYNT: The other five are under lock and key in our property room. So that would be a double lock situation, too, because they're in a locked cabinet inside our locked property room. The only ones who would have access to the property room are supervisors, and it's very limited access, I think I know [comment indistinct] knows and Bryce Teter, who's on the CIRT team, are the only two that would have keys to that locked cabinet inside [comment indistinct].

SANDERS: If I could just follow up on the other question. So I – I understand that SWAT teams have this kind of equipment and, you know, because they could be involved in hostage situation or whatever. As a practical matter has a weapon like this in Bloomington or Monroe County actually had to be used in the last, I don't know, two years? Five years? Ten years? In other words, it's one thing to say in theory we need this kind of equipment if something like this happens, it's – what I am asking is, what reason do we have to believe there is some likelihood that this equipment will need to be used here in our circumstances?

FLYNT: Well, the main difference between the handguns that all of our officers carry and a rifle is proficiency, so the accuracy of the weapon at distances. And in an active shooter situation that would more than likely be the case. So –

SANDERS: I guess what I am getting at is, do we – what reason do we have to believe we would have a shooter situation? Has there been an active shooter situation here in this community in your memory?

FLYNT: Thankfully not, but there's no way to predict that –

MINGER: Well, there actually was one.

FLYNT: – unfortunately.

MINGER: Not – no one was hit, but he was actively shooting and he –

FLYNT: This is –

MINGER: – you might remember, just a block off the campus here where the person was shot with a rifle in the legs – who was shooting – he was high on – bath salts, I believe?

SANDERS: Okay.

MINGER: They – they have been deployed, actually taken out of the case and charged, about ten times. Several times in shooting incidents – calls where the officers were backing up Bloomington Police or Monroe County Sheriff's department. Sometimes they were – there were shots already fired, sometimes there was an expectation that there would be. [comment indistinct] like that. But Virginia Tech-type incident where people were actually being killed in an active shooter situation, we haven't had any yet, thank god, but there has been an escalation over years.

SANDERS: Okay, but what you said was that there had been instances where there was at least a poss – a good possibility the weapon would be needed, so...

MINGER: Yeah.

ROBEL: We train – just to follow up on that – we train on active shooter – the possibility of an active shooter on the campus on a regular basis, and we do it throughout all of the people who would have to respond in – in a circumstance like Virginia Tech from the officers and first responders all the way through – through my level. We just assume we need to be able to respond to that situation, and I think that assumption is – is a warranted assumption unfortunately.

SANDERS: Thank you.

SEIGEL: I'm concerned about the escalation of police capacity on campus, in part because this is one of the subjects of my own research, and so I know from – from research carried on nationally that when there are military type weapons available they get used, and when there are SWAT teams formed they get used for incidents that far exceed those envisioned as the justification for their creation, which mostly are hostage situations, and I'm concerned about these weapons. I'm also concerned about the proliferation of very young police officers whom I have seen around campus recently, including several who are my own students, and whom I know, therefore, a little bit better, and have had an opportunity to observe what I would consider, you know, age appropriate immaturity. And so I – I wonder – I think this is a matter

not only of security policy but also of student policy, which is one of the arenas that this body has jurisdiction over. So I think it's worth our discussing with you and also in your absence whether it is smart for us to have these capacities that can be abused and alas, in general, do get used and abused far beyond their – their justified situation. So I wonder how you – how do you respond to that?

FLYNT: Can I start?

MINGER: Oh, please.

FLYNT: Our – is everyone in the room familiar with our cadet officer program?

SEIGEL: No.

FLYNT: Okay, let me – let me just describe that a little bit, because I think that's part of what she's talking about. We have a program at IU Police Department that's one of maybe seven in the nation where police officer – or where students, full-time students, can apply for a program, and if they are accepted they go through an interview process, and if they are accepted they're a cadet their first academic year here, and that is non-sworn. They do basic security assignments. They're eyes and ears for our department. And I call it, "The Humbling Year," because they are young. They're – they're still kids and learning the ropes, but also still subject to peer pressure and things along those lines. These are not all people who are going to go into law enforcement. We have music majors and accounting majors, and just people who have an interest in law enforcement in general. Now, the vast majority of them do continue in law enforcement when they graduate. The second year they go through, after that first year as a cadet, they go through a fourteen-week academy, which is approved by the Indiana Law Enforcement Academy in Plainfield, so we have the same training requirements that they would have at Plainfield. That's conducted right here in Bloomington. Instructors come in and do all of that training. A lot of it's done by our officers who are instructor certified, and when they graduate from that program they are commissioned police officers in the state of Indiana. They have to be 21 years of age now, and I know that's still very young, but when we graduate from college the vast majority of us are that age and start our careers. And they also will complete – they'll work another academic year for us, and in some cases two depending on their age and how much schooling they have left, you know, some of us are on the five or six year program. And then they have their degree and are commissioned police officers in the State of Indiana and are highly sought after employees at other police departments when they graduate from IU. So that said, we do have a lot of young people and we – we do actually depend on them quite heavily because we have 41 full time officers, and 42,000+ students that we are responsible for, and over 5,000 faculty and staff.

MCCLOSKEY: But these students aren't armed, right?

FLYNT: The ones that graduate from the academy are. They are fully commissioned police officers in the State of Indiana. They are only allowed to carry their weapons while they're on duty. Those weapons are not carried while they are off duty. Does that answer your question?

SEIGEL: [comment indistinct]

ROBEL: Excuse me, there are other folks who –

SEIGEL: Oh, I was just hoping she would answer the other part of my question about SWAT teams and rifle – unnecessary material asset.

FLYNT: So now what – what exactly are you asking? When the CERT team would have their rifles out? Or when they would have them available? Or...?

SEIGEL: Are you concerned about the increased brutality of police departments with SWAT teams and military weapons as has been proven nationally?

FLYNT: But we aren't Ferguson.

SEIGEL: I'm not saying you're Ferguson.

FLYNT: I just want to make sure that we're really clear on that!

SEIGEL: And I think we are Ferguson at times.

ROBEL: We – we have had, I think, this capacity for five years, I think is what we just heard, and it's capacity that has been not deployed, so I think that that probably, just as an empiric matter, speaks to your question.

SEIGEL: It doesn't defeat the national research though.

ROBEL: Yes, but – but in practice here you've heard the experience. So, can I turn to another faculty member, please?

GLAZEWSKI: This is just to follow up on the question of the cadet – the student cadets – is that what they're called?

FLYNT: It's the cadet officer program, yeah.

GLAZEWSKI: Cadet officer program. How have you thought through the issues around students who are officers and peers of the individuals at – on this campus?

FLYNT: Well, actually, this program's been in existence for over forty years, and a lot of them are live-in officers when they're cadet officers, so they actually live in the dorms and are role

models, and actually able to respond to incidents that happen in the dormitories even faster than our officers can get there a lot of the time.

GLAZEWSKI: Good, I'm also asking about issues that –

ROBEL: Can we – can we try to keep this so that other people get a chance to speak, too, so ask a question, get a response, let the next person ask a question. Is that okay?

UNIDENTIFIED SPEAKER: Okay.

ROBEL: Okay, because we have other hands up as well.

TERRY: I have a question and it does come with a context. As many of you know, my wife is a faculty member at IU Southeast, and they have had a couple of episodes where they believed they might have weapons on the campus. They did a lock down and so forth. And I think one of the things that has become apparent to me from is that in those situations, [comment indistinct] you don't have too long. Other officers from other forces [comment indistinct] and it's not entirely clear to me that they have worked out communication well between them, that the officers, particularly the sheriffs out there know the layout of the campus or how to reach people on it, and so I'm wondering what kind of training is going on in this county with other forces that might respond [comment indistinct] material [comment indistinct]

FLYNT: Yes, that actually is, and we train on a regular basis with Bloomington Police Department and also the county, state police, we – because we're so small, and we have large events and a large population we have to rely on other agencies – other local law enforcement agencies – to cover our large events. So like, for a football game, we will definitely have Bloomington Police Department, state police, Monroe County Sherriff's reserves, and even Ellettsville Police Department will be working those assignments with us, because there's a lot of traffic assignments as well as the interior assignments that have to be covered. So we definitely train on a regular basis, especially with the active shooter response because we've learned a lot from the past. I know some of the things that you were talking about that have taken place – Columbine, for instance – a lot of lessons were learned in that tragedy, something good had to come out. And what did come out of it was the fact that police departments do have to train together, and they do have to have communication, so things along those lines.

MINGER: I would just also add I have responsibility for all the campuses and police department. And Southeast, before they had this [comment indistinct] they actually had a tabletop exercise and practice exercises with the local law enforcement. Each one of our campuses also do that. And that added benefit for Bloomington is that over a third of their police officers actually came from our academy, including the chief. So they've all been trained here, and we have very close

contact with those people. So training together and those kinds of relationships are already in place.

ROBEL: Let's see, Professor Simons?

SIMONS: Yeah, this is probably a follow-up for Micol, I think maybe I can put it a little more specifically, and that is in terms of understanding what's your response would be to the case, for example, in which there happens to be a student from this campus, probably under some pressure, possibly mentally ill, who does have a gun. The only – I want to know – the only point you mentioned so far in terms of using lethal force [comment indistinct] shooting the rifle, or even their coordination with other forces, and I think maybe what's concerning Micol is that we haven't yet heard about non-lethal ways in which we might want to deal with this.

MINGER: We do have other non-lethal ways. First of all is verbal and physical contact with an individual. It might also be using a baton. It might be pepper spray. But those are all close combat, one-on-one, personal weapons, and that's not always the case. Those would be what we would exhaust or use if we were in close proximity to an offender of some kind.

SIMONS: Okay.

VASEL: Are these six rifles the only military grade equipment that the IUPD has acquired through this program, and are there any plans to acquire any more equipment [comment indistinct]?

FLYNT: On this campus, yes.

MINGER: IUPUI had – had received some helmets – protective gear – because typically the only kind of helmets that the police had on campuses before were due to civil unrest. They were, like, motorcycle helmets. They weren't ballistic helmets. So they acquired those for better protection if they were shot at.

VASEL: And are there plans in the future [comment indistinct].

FLYNT: Not to my knowledge, no.

BRUHN: I – I would add to that – sorry – but, you know, we have a civilian oversight over the police department, and so if that question came up – if Jerry and Laury for some reason thought we needed some of that additional equipment – there would be a – there would be a conversation about their levels. We would have that conversation to decide what the goal – what the goals are, what they're trying to get at, and so that conversation would be had. In fact, we were offered an armored personal carrier. The Indiana Department of Homeland Security a couple years ago. And honestly, it would be valuable to have one. You know, rescuing people

during heavy storms, tornadoes, what have you, it would be good to have those. But that's [comment indistinct] and as Jerry said you're getting it free may cost a lot of money over time to maintain those. And in any case – civilian oversight – so we've had conversations about all of those things before those kinds of decisions would be made.

ROBEL: [comment indistinct] Jim, did you have your hand up?

SHERMAN: [comment indistinct]

ROBEL: Okay, Jim?

SHERMAN: Yeah, first off, thank you all for what you do. It is obviously appreciated. I've been here since – this is just an observation – I've been here since 1967, and I'm sure my memory ain't what it used to be, but I can't recall in all of those years a time when there was a front page IUPD snafu or gaff by someone doing something terribly wrong or – and that's a long time to go with a – with a police department on a volatile campus without a real negative. And I – I think that says a lot about the relationship of the IUPD to the university and to the – to the city.

MINGER: Thank you.

FLYNT: Yeah.

BOSE: Thank you for this annual security report, which was very interesting reading and well done. I had a couple quick – well, I'll try to phrase it into one question – so in the statistics the three major areas of problems are drug violations, alcohol violations and then the third one was sexual assaults. And you also in this report outline close cooperation with Bloomington police force, as well as the area security services, which you have also spoken about this afternoon. So, I guess my question is this, since we live in a small town is the Bloomington Police Department and these various security forces have the equipment necessary to deal with the shooter situation, why do we – as a university – need to have that capability as well?

MINGER: Because we're closest and we're here. [comment indistinct] When I started in 1972, it was soon after the civil unrest during the Vietnam era, and what happened actually on this campus was that the Sherriff's department and the city department came onto the property to control student unrest. Those departments don't have a vested interest in this property. They wanted to bring in dogs and busses and arrest everybody, and take them away. Those were the tools that they typically have in their – in their tool box. They gave – the legislators of Indiana – gave the Trustees of – of the five universities the capability of hiring their own police department, because they wanted to train, specially train police officers and university police, [comment indistinct] students [comment indistinct] so that we could actually address and work for the same people that pay the other staff and the faculty, and work together and address

those problems instead of having someone else come in and do it for us. So I say that to say that if we depended on the city and the sheriff's department to come in here, we would get an entirely different service than if we had in-house police departments. And that's why we have the equipment that we do – to address those kinds of situations. And we have had guns on this campus a number of times in the recent past. Many times it doesn't make the papers quite like some other news does but sure, they're here.

FLYNT: I would like to expand just a little bit on that. Probably the thing that makes IU Police Department stand out from any other police department is the fact that our population that we serve is primarily between the ages of 18 and 22 years old, and with that it brings a unique set of circumstances that we have to deal with on a regular basis. So you brought up the drugs and alcohol specifically in the Clery Report. The beauty of our cadet officer program is that a lot of those people we can hire when we have openings, they already are familiar with the area. They are already through the academy, which is a huge expense for most police departments. And they came from this environment, so they understand the fact that these are students and they're here to learn to be independent. I mean, that's the whole point of being here academically and socially, and I just really think that's a huge advantage that we have that other police departments don't have.

MINGER: I don't know if Laury mentioned, she's actually a graduate of the academy.

FLYNT: I'm a graduate, and also you talked about other police departments. Mike Diekhoff is a graduate of our cadet officer program. The sherriff, Jim Kennedy, was instrumental in beginning the program, started the program years ago.

MINGER: And the past superintendent of the State Police came from the academy also.

ROBEL: Just a – just a quick follow up from me. I – I have to say that I have come to really appreciate the – the understanding that the IU Police Department has about the context in which it operates. That it's – it – it understands that this is an open campus, you know that we don't shut things down, that people come and go. It understands that we're dealing with a young population who's – who should not be taxed for the rest of their lives with every indiscretion that they committed during the time that they were college students. That they use judgment in a deep way, and I think that policing on a campus is a different kind of policing than policing it out in the county. It is just a very, very different operation. I – I personally am grateful that we have the expertise on the campus, and that we're not actually required to rely on the county policing system which is not trained in the same ways as are our officers.

BASU: This is slightly off the thread of the questions that have been asked. I wondered if you can perhaps educate us or inform us about that extra power that you have in acquiring these guns. Do they use, for example, low-dose uranium bullets? [comment indistinct] from what we

have read in *The New York Times* that the military uses bullets that have low-dose uranium. Do these bullets have low-dose uranium?

HOCH: I think we're talking about tank rounds. So, I'm an armored cavalry officer... [Laughter] Armor-piercing, fin-stabilized, discarding-sabot, with tracer tank rounds that have depleted uranium so they can punch through enemy tanks, but – but not in our small arms.

FLYNT: And the – I know I talked to our armorer and tech services lieutenant before I came over here. And he said that the ammunition that we use in our rifles does not penetrate as deeply as it would if it was a round from our handgun. So, I'm not an armorer and I'm not a major gun fanatic, so I don't know a whole lot about guns, but I – I know enough to know that the proper use and training is very important.

ROBEL: I – I've got two people to recognize. I will start with Tim, then move to –

HOCH: So normally, you know, I do not have much to add to the Bloomington Faculty Council meetings. I sit here and learn a lot. [Laughter] Oddly enough today, I've actually got some experience with this and so, you know, there's lots of topics here that are up for debate. But I – I find myself in a unique position probably being the only – hopefully the only – person in this room that has been in a gun fight in a building that – that – that can give you some perspective on some of this stuff. And I'll just talk about some of the things I've heard, some of the observations. So we, you know, I think we're talking about, it sounds like a handful of M16 rifles and – and the perceptions are important and, you know, I watch the news. My wife and I yell at the TV on things that we see about what's going on in our society. But, you know, in my mind this boils down to – I mean we talked about young police officers – a young police officer who wakes up this morning, probably doesn't get paid nearly as much as anybody here, and goes to work not knowing what's going to happen that day, has a family, and is the person that we will call on and – and – and want something done if something extremely violent and bad and dangerous happens on this campus. So, God forbid. And so, you know, there's all sorts of studies. There's all sorts of perceptions. There's – there's a lot of second door effects with having these weapons but, you know, in my mind it boils down to a young volunteer who's serving the campus community and this population who – he or she will be willing to put themselves in harm's way in the most extreme situation if that is called upon, and so for me it's a question of, do we have a duty and an obligation – moral responsibility – to prepare that person to be successful in that endeavor and that engagement? So we've seen over time, I think, on the news and I lament about it, too, the rise of, you know, our – our – our – our gun culture in the United States. And everybody's got a weapon. So the question becomes, you know, are there – might there be an instance or a scenario where we find ourselves with something like this happening on our campus, and I think the answer could be yes. It happens all across America, unfortunately. I think the more people see it, the more it empowers others,

unfortunately, and – and so for me it's a question of what – what is the capability that we have here to deal with something like that. And I'll tell you right now a 9 mm pistol and an M16 will kill you just as dead – the same. So when we talk about lethality, they're both lethal. I mean, it's a weapon. Oftentimes lethal, if you use it lethally. So, that's just an observation that I have when we talk about, you know, this being more lethal. They're all lethal weapons. So the question isn't which is more lethal, which is more effective in the scenario? Though I've heard talk about, you know, using it in a hostage situation – the M4, you know, when we go into and clear buildings, the M4 rifle is the most effective weapon. It's not the pistol. Not by a long shot. The pistol is not completely accurate, you know, very short squeeze and you're – and you're missing your target. So the reason that we use the rifle inside buildings at close range is by far it is the most effective, and in – the number one rule of a gun fight is to win the gun fight. I'm just telling you right now. When you are on the receiving end of bullets, you don't care about the perception of the weapon nor do those around you. They just want you to win the fight. And so it's not a question of what is most lethal, as a question of what is most effective if we are in that – in that situation. And so a pistol and an M16 rifle are equally lethal, you know, they're – they're both designed to kill people. Talked about a person high on bath salts, I mean I will tell you, you want a weapon with stopping power if somebody is on drugs. I've seen it. I mean you'd be amazed at what human beings can do when they're on drugs. And I have seen men fight, not ours – bad guys – fight for a long period of time when you think that they should not be able to fight, and physically they should not be able to fight because of drugs. And so that is, you know, I'm kind of – hopefully I'm saying some things that Jerry and Laury can't say because of their position, but I'm just telling you right now, people – you get folks on the right drugs and a pistol is not what you want.

So, escalation of force, you know, again, that's – that's a technique we employ just having that weapon present makes a difference here. I – I think, you know, for me it comes down to you have a duty, an obligation, responsibility if we have these weapons to control the manner, have oversight in how we employ them, and – but we also have a duty, an obligation, responsibility on the other end. If we are going to put somebody in that situation, to prepare them to be in that situation and, you know, Bob and I are talking back here. I feel most safe because we have well trained, well led, well-armed, well respected, well regulated police force on campus and, you know, I really – I'm not trying to open a debate on – on these weapons. It blows my mind that we wouldn't have these capabilities. I'm just telling you. In the event that something were to occur, God forbid it happens, we – we need these capabilities. And I'm not talking hostage scenario. I'm not talking somebody from a mile away. I'm talking if something bad happens on this campus. And the fact that Jerry can tell you the number of times the weapon has – has been charged, I don't know if that was lost on a lot of people, but that – you want to talk about intense control for him to be able to tell you the number of times that the actual weapon, not only was actually taken out of, you know, lock and key but charged? That is – to me that's a

ridiculous amount of control, you know? So, but that gives you the idea of the amount of control here that I think might be lost on some people, that again, I just – I just want to throw some of that in there because, you know, you guys are doing a pretty good job of dancing around a lot of things but, you know, it's just a blinding flash of the obvious what's occurring to me here as – as we debate whether or not these – these police officers might need this capability, so...

ROBEL: Thank you. Thank you so much, Tim.

FISHER: So I'm going to come back to something here in a second about having had these weapons for five years and nothing bad has happened. I want to thank you for that, that – that's wonderful. And I agree that – that the – the amount of control they're under is great, but it brings to mind something that I'm dealing with in this room, and it may be related to this that we have a policy called the Faculty Misconduct Policy that's fifteen years old, didn't get used until recently and when it got used we discovered it was tremendously problematic. So now I'm on a subcommittee that's charged with rewriting it. So I'm a little concerned if we say that, 'Well, it's been good for five years,' that makes me nervous. There are some things that have been good for a lot longer than five years until they are really bad, and that includes Ferguson. And so I've been reassured by a lot of things that've been said about how these weapons are controlled and why they're being – and how they're being used by – I – I somehow I'd still like to hear more about in what way, you know – any more detail about [comment indistinct] unless you are, you know, keeping sure that it's not five years that we have no problem but, you know, you need that time horizon to be indefinite. And you have to be – you know, it's not five years, ten years, fifteen years that we want no incidents, it's forever and forever is a really long time.

ROBEL: So – so it's – it's probably important to follow up on Mark Bruhn's point about civilian control, and the long – and the processes that we have. I – I take this as a point of information about the processes we have in place, and – and on that, I would ask any of you maybe to talk a little bit about the review process for the use of – of force that we have on the campus.

MINGER: Well, and it's a good point. And it's something that – that we have – we've put into our policy. Not only did – do these – do these rifle operators have to show proficiency before they even took a class, then they took the class, the education and the practical experience. The third part of that was now they have to maintain that over – over the years as long they want – they certify. They have to take five classes a year, they have to qualify twice to a proficiency, and during that time we re-evaluate our policies and our training methods continually on what's going on globally, how they're performing, needs that need to be met. And if there were, God forbid, an incident where they actually had to discharge the weapon, it would be evaluated by a review board, and they would evaluate what happened or if there are other things that needed to be addressed. Were there good things? Were there bad things that

needed to be improved? And we do that with every incident that we're involved in; have after action reviews and conferences with everybody that was involved in it and took part to find out whether we really did things the way that we should have or should we improve on them. Beyond that we would also ask for any suggestions you might have on how – how do we predict the unknown to improve.

ROBEL: I would – I wouldn't – Council member?

STRAND: I am, I don't know why I do not have a nametag, sorry.

ROBEL: That's okay.

STRAND: It's Katy Strand, sorry, Music Education. I – just to follow up on something you said, a query that I have is the – when you review the policies that you, you know, if you review them yearly, annually, and you review the situations that arise. Who are the members of the committees that do that review, or those two different types of reviews, and are there people who are external to your police force that are part of that committee?

MINGER: Well, we've never had a shooting incidents like –

STRAND: Well, yes, not that one, but the – the policy reviews. I think it would be really interesting how or what that po – what the process is, and who makes up that committee?

MINGER: I actually – there is outside review. My boss up there is – is part of it, and then John Applegate also. His office reviews –

STRAND: Okay.

MINGER: And – and Jenny Kincaid is another person. Sometimes we'll send particular parts of policies that – to the Vice President, General Counsel's office. I was trying to think if we reached out to anyone else on some of the policy review.

FLYNT: [comments indistinct]

MINGER: Typically, we look to for guidance on specific aspects or just a specific policy.

BRUHN: There's – there's two pieces to that answer and one Jerry just answered how and where. We're using the university policies – procedures to analyze those policies, and generally they get reviews every two years under that process. The second part of that is – as it relates to actual things that happen. There is, of course, yeah we practice a form of AARs, After Action Reviews, after every incident of really any note.

STRAND: Okay.

BRUHN: You know, the smaller the incident the more informal review. You know, we do AAR. There's action lists that comes out of those that have to do with practices, procedures and policies. The things that we did or did not do that we were supposed to under policies and procedures, or are the things that we did better and then the policy needs to be, you know, adjusted because of that? And so we [comment indistinct] after every incident we have, we go through an AAR process and that feeds back into the policy review as well.

STRAND: Okay, thank you.

ROBEL: Well I – I so appreciate you – all of you – coming for this today. It's been – it's – it's great to know that you're there, mostly. I can't tell you how – how reassured I am to know the kind of care and thought that – that you all put into these situations for our campus, and how much you think about the campus as a campus in addition to thinking about it as a – as a space in which policing has to happen. So thank you for coming today, we all appreciate it. [Applause]

Bloomington Faculty Council committee reports. Where do we start? Bob, would you like...? The idea behind these reports is to let the Council know what's on the agenda for each of the committees.

AGENDA ITEM 7: BLOOMINGTON FACULTY COUNCIL COMMITTEE REPORTS

KRAVCHUK: Well, for those of you that may not be familiar with the Budgetary Affairs Committee, I think we're one of the only committees of the Council that has co-chairs. I am the unelected, BFC, I'm not a member of the Budgetary – that is, the Bloomington Faculty Council. I'm the unelected co-chair. My co-chair Alyce Fly is not present today, and so I – it fell to me to give this presentation. Normally over the course of a year we would have budget – we would attend budget hearings that – that the provost would hold with the deans, and to advise her on the allocation of funds from the provost's fund, which are advisory only, but there's a great deal of give and take in the normal – in the normal year, and – and – well, in my previous experience on the BAC, most of the recommendations that we would make would also coincide with the preferences of the provost. We do have a lot of conversation. The Budgetary Affairs Committee was not as active last year. It was a strategic planning year, and so we did not have the normal hearings in that rotation in the spring, as we were waiting for the strategic plan to work its way through the various levels of approval, and – and so, therefore, we didn't actually assist in programming monies from the provost's fund. We've had, like – we've had conversations with Lauren...

ROBEL: I didn't – I didn't give any out –

KRAVCHUK: Yeah.

ROBEL: – so it worked out fine.

KRAVCHUK: Yeah, which was – yeah, which was okay. We basically had a year off. However, we were prepared to – to weigh in if the Trustees had decided that they wanted to move forward with privatizing parking on campus. It was an issue of great financial importance at the university. I want to point out the Ohio State University's basically mortgaging their parking for about \$480 million dollars. We did not believe it was in the best interest of that university. We were prepared to weigh in and oppose parking privatization if necessary at a Trustees meeting for a lot of very good reasons that I would be happy to discuss with anybody offline. I would just say, by way of summary that – that state and local – what universities and localities that have privatized parking there've been – most of them have a great deal of regrets *ex post facto*. I'll just point to the city of Chicago as a – as an example. They were looking recently to get out of their privatized parking arrangements and Morgan Stanley, their partner, told them that they would be happy to release them from the contract – for one billion dollars. And that's a city that just doesn't have the money to give it up. The Budgetary Affairs Committee has been charged by the Faculty Council to be able to speak for the faculty and the Council on financial matters without necessarily consulting with the Council or the faculty in advance. This is used very, very rarely. In fact, in my – I was counting them up recently – now my ninth year on the – on the committee and my seventh year as co-chair in two different times, I can't remember using it once. But this is in order for the Council to be able to move quickly when – when matters are breaking and the administration just doesn't have time. Because sometimes, as you can imagine, if you wait to gather information and form kind of analysis and to consult, you might miss the opportunity to actually make a meaningful decision, and so that's why that power was given, and we hardly ever – ever – in fact, in my memory we haven't used it. You should know that Herb Terry who served as – as my co-chair years ago, sits on the BAC today, and that Jim Sherman, our President, is – is also ex officio member with – who can attend all the meetings, and if it ever got to the point where we thought there was an issue we would – we would certainly consult with these gentlemen first before deciding if – if we felt comfortable enough moving ahead. We do try to maintain some degree of confidentiality. This is so that a degree of trust develops between what we do and the administration. Often we will discuss things that are in the nature of a trial balloon, which actually – our trust in the – in the, sort of the stage of being a pure proposal, not anything that anybody's ready to commit to, and would probably just maybe even upset some people if they knew that we were considering certain things. And so often these things go away. I think we should all appreciate the fact that the administration would – would consult with the appropriate committees of the Council before – before deciding one way or the other on any issue of great importance. In any case, as I mentioned, these gentlemen are – serve on the – on the committee. Many members of the committee are not members of this Council, but are drawn from throughout the university on the basis of their public spiritedness, and their financial expertise. My own specialty

academically is public finance and governmental accounting, financial reporting. So I have a pretty good feel for matters financial. This year, really, I think we're just focused on the budget hearings, which I presume will get back on track this spring. Lauren did mention to me at some point that there might be a need to consider re-booting if you will, or resetting the basic rates under the responsibility center budget system. And that that would be something that we would – we would consider as part of a taskforce issue assembled for that – for that purpose. We would be involved in that. But aside from that, the agenda at this point is – is simply to assist the provost in the budgetary hearings that will take place this spring.

ROBEL: Thank you so much.

FISHER: Can I just ask a – you mentioned that RCM might be being reconsidered with regards to the rates in RCM. If that happens does that pass through this body?

ROBEL: I don't think so. It wasn't adopted that way in the beginning.

FISHER: I'm just curious.

ROBEL: Okay, thank you so much, Bob.

TERRY: Lauren? Let me add a couple things very briefly. This Council has also given that committee a couple of smaller responsibilities; that we make recommendations every year on salary minima in tenure-track ranks, and what else, Bob? There are two major recommendations – salary minima and minimum increase?

KRAVCHUK: We try to weigh in on –

TERRY: We try, but that's often [comment indistinct] the Trustees adopt salary policies for the different [comment indistinct]

ROBEL: Okay, thank you. Is – where's Ben Robinson? Yes?

ROBINSON: Should – should I go up front or...?

ROBEL: Whatever feels most comfortable.

ROBINSON: Yeah, it's more comfortable sitting, but I'll do it! [Laughter] Alright. So, I haven't been on this committee for nine years, so I wish I had the experience Bob had to present to you about what the committee does and what its jurisdiction and experiences are, but I'm [comment indistinct] and so what I want to do is sort of convey to you my sense of the sort of issues that we would like to tackle on Educational Policy Committee. It's a large committee. We have representation – we have IUSA representation, we have graduate student – the GPSO is on it. We have people from the registrar. We have people, obviously, from the vice provost for

undergraduate education's office, and faculty from around the campus, of course. So what we're trying to do on the committee is really have a central issue, which is mainly the role of big data, and the way that that – the role that might – how that might affect educational policies, which are a basic purview of this – of this Council. And so that takes – big data/data mining is a big issue that's facing us all. I think many of us have no idea what the future holds for that. There are a lot of things that come up that look terrifying, or look wonderful and then they turn out to be a flash in the pan and quickly to disappear. But I think we all recognize that it's changing the name of the game, that there are important implications for how we control, as a faculty, our curriculum, our grading, our educational mission, and such things. So overall direction that we want to work into is having a very clear reporting of what sort of data points are being collected, what the disposition of that data is, whether there are privacy issues that come up with it, whether there are intellectual property right issues that come up with it, and what sort of contracts – to the extent that that information would be made public – are involved with big data and educational policies. For example, learning management systems. I was out of the country, so I missed the presentation on Unizin on Monday, but that is the sort of development I think should concern the committee and concern the Council. And so we're working in that direction. More specifically, I have four things which I'll mention just very briefly that we're concerned with. One is program review and evaluation, and that was based on policy D-20, and there was a statement that came from the Faculty Council in 2009, I believe it's B7 – circular B7-2009 – that – that inaugurated – confirmed the Faculty Council's support of this program review and evaluation process. I am very curious where that program is going. It's something that I would like to review in the committee to make sure that implementation of policy D-20, the circular B7-2009, is actually consistent with what the Faculty Council had in mind. In particular, I'm curious about Gates, Bill Gates-funded, pilot program that the Office of the Vice Provost is participating in with SHEEO, that's the Higher Education and Executives Organization, which is norming these learning outcomes in a nine-state consortium, which was not told to anyone involved in the process. We understood that we were making curricular maps, and correcting – collecting this data as an internal procedure for departments' six-year evaluation. So I'm concerned that this information is not widely distributed among the faculty, and so we do not fully understand the process. So hopefully we can clarify that and relate it to the policy decisions for the Council. And I also want to clarify who will have access to this grade information. I think, as I said, both for student privacy issues, there's a lot of state legislation restricting the sale and transfer of student demographic information, but it's also intellectual property issues i.e., who was the author of the grade and how can it be used or sold. Secondary, is the Student Success Collaborative. The Student Success Collaborative is a, I think many of you know it, that is – it sounds like it is some sort of collaboration, but it's actually a commercial program for presenting information in databases, and it's has been used – it's being used by our advising staff already quite extensively. It's a very powerful tool. I'm concerned

what advisors' reactions to this are, and so I want to try and survey anonymously, because advisors can be in vulnerable positions. I want to survey anonymously their responses to this, and then I also want to review hopefully some average Council, some of the priorities of on-time graduation and retention, as priorities, and really ask how those priorities, whether they're consistent with the IU mission overall, and in particular with the GenEd mission overall. It's not clear to me *a priori* that retention and four-year, on-time graduation is necessarily consistent with those other missions, and I want to try to look more closely with that with the committee. And then finally, there's the Core Transfer Library, and certain mandatory IUB institutional credit that we might or might not have to give. There's a senate bill right now, Senate Bill 331, which is asking state universities to accept credit for competency-based exams. I'm very concerned about the implication for that, again, not only for our autonomy, but also for our educational mission. So that – and the whole question of how courses get put onto the Core Transfer Library, how that will – that will affect the sort of courses we offer, and our curriculum and design as I brought up earlier with the review and evaluation program. And also issues of standardization and homogenization that might come up through that. And then finally the last area is the Indiana Commission on Higher Education, which some feel is tantamount to a Board of Regents, and there are a lot of mandates that come from them. There are – the vice provost of undergraduate education deals directly with them so we want to have regular reports from ICHE just to see what – to think broadly, and in terms of our mission, in terms of our values of shared governance, how we want to respond to the ICHE. So those are the four areas. I should add – I should say a last thing before I go, that I am the co-chair of the committee as well, and Alan Bender, my co-chair on the committee isn't – isn't here now, but Alan and I are working to chair the committee together. So, thank you.

ROBEL: Okay, thanks.

SUGIMOTO: Hello, I'm Cassidy Sugimoto, and I am here to speak to you on behalf of the Faculty Affairs Committee. I'll try to be brief so we can get to everything else that we have. The Faculty Affairs Committee has nineteen members, and these are all appointed by the Nominations Committee, and now we started our year with a lot on our agenda, so we went quickly into subcommittees. We have four subcommittees, one is on post-tenure review, one on mergers, reorganizations, and eliminations, one on non-tenure-track faculty, and one on shared governance. Each of these subcommittees has their own chair, and many of those chairs are sitting in the room today and can answer questions after this meeting. So how we organize our committees, is that our Faculty Affairs Committee as a whole, those nineteen members, meet every other week, and in the opposite weeks all the subcommittees meet. So they meet, and their chairs come to the full Faculty Affairs Committee and give us reports for this. So, in total, we have somewhere forty to fifty unique people who are working on each of

these various subcommittees. Each has between seven and twelve members on these subcommittees. Now, each subcommittee has its own charge, so I'll go through them quickly.

On the post-tenure review subcommittee, which is chaired by Laura McCloskey, is looking at all of the policies that we currently have in place to review our tenured faculty members. This includes the Faculty Misconduct Policy, the Annual Review Policy, and the Merit Review Policy. So their first task – they assigned homework to all of their members – they said go read these intensely, know everything about these policies, and they've been discussing them at each of their meetings. All of the subcommittees have met twice, the FAC has met three times. Now, in these reviews they're also pulling in people who've utilized these policies, particularly the Faculty Misconduct Policy, and asking them, did they work? When did they fail? How did they fail? And can we improve those policies? They will bring a recommendation by the end of this semester on whether we need to change any of these policies, whether we need to remove any of these policies, and whether we need to adopt any new policies, so that's an open question right now of what they're going to do based on their review of these. The next one is the non-tenure-track faculty. That's co-chaired by Jessica Lester and Ashley Bowers. We thought it was important for it to have both a non-tenure-track faculty member and a tenure-track faculty member co-chairing this committee, and they're looking at the work-life balance of NTT faculty, their satisfaction, policies and procedures, and the ranks and roles of these faculty, and how they're explained to the faculty, the expectations that are set, and whether there's agreement between the NTT faculty on this campus and those who are implementing the policies and procedures around NTT faculty. They're starting with a bunch of data from COACHE, so I don't know if you all remember that long, forty-five minute survey that you might have filled out about work-life balance here, so they've pulled, thanks to Tom's office, all of the data on non-tenure-track faculty, and they're looking at satisfaction rates there. They're conducting focus groups. They're doing individual interviews and they're doing interviews with deans and department chairs. They're also looking at policies about non tenure track faculty around this campus, and they plan to conduct this information-gathering stage throughout the year, and propose some potential policy changes in the spring.

The shared governance subcommittee is chaired by Herb Terry, and this was motivated in part by the strategic plan that said we needed to review how shared governance works on this campus. So they are looking at school policies, at campus level policies and policies at peer institutions to look and see if there are better models for shared governance, if there are things that are no working in terms of shared governance on this campus, or if there are just ways we can improve and do better. So I'm sure Herb would answer any questions you might have about that subcommittee. The strategic plan asked that a recommendation be put forth to the representative bodies by the end of this semester. They've been gathering a lot of data, and

there may be more in January that they're pulling together some recommendations, so we're looking about that timing.

The last is the mergers, reorganization, and elimination committee. They're going to look at policies and procedures about those procedures on our campus, and what we can do. It does not have a chair at present because they have just been convened and they will start working next week.

We've also talked about issues just as they arise. The sexual misconduct has come up in our meetings, issues of civility have come up in our meetings, and we'll continue to address those as we go on. Any questions? Yes, Basu?

BASU: There was a time when mergers, reorganization was a separate committee [comment indistinct].

SUGIMOTO: Yes.

BASU: And we have seen in the last few years many, many mergers and reorganizations including within schools, between schools. Do you, as BFC President-elect, want to bring back and MRE as a separate committee, and not be a subcommittee of the Faculty Affairs?

SUGIMOTO: Yes, so one of the last recommendations from the Long Range Planning Committee was to bring back that committee. So that will be one of the first things that this subcommittee looks at. Should we bring back this subcommittee? If so, how would it be constituted and how would it act? So that's certainly an issue that this subcommittee will be aware of.

ROBEL: Thank you. Let's see – Margo and Student Academic Appointee Affairs.

GRAY: Yes, thank you. Also, the French Department – French and Italian – but again, Student Academic Appointee Affairs Committee. We are – we are a very small committee, and we do not often have a huge agenda, but we do this fall. We were approached by the College with an issue that's come up because of a particular BFC – what is it called? It's a particular policy, number C-9, and this requires that every student academic appointee be given at 50% or greater be given a fee remission. Seems – seems fair enough, except that the problem is, as you might imagine, when there are students in one unit who are hired for their services to – to work for another unit, then there gets to be the issue of cash flow, and again, in a responsibility centered management environment this – this gets very complicated to – to manage, and the College feels that it has honorably – their – their whole – there's a sort of morality at play at work here because there's the virtuous College. I am sorry, I am in the College. Anyway, there is the virtuous College who does pay the full fee remission of – of student academic appointees at greater than 50% FTE, but sometimes student – sometimes College students – in – in the

College who are given this fee remission go and teach, for example, or work in a different unit, and take courses in the different unit. So here's the College paying this fee remission and the student – and sort of losing the student because with the fee remission – when the fee remission is paid and the student takes courses in that unit – there's a certain amount of revenue that comes back to the unit. So, I'm trying to sort of keep the moralizing down here. [Laughter] Anyway, as you might expect – as you might expect – there are various versions of trying to wiggle around – I am avoiding the word “sleeze” – “sleeze” around this – this obligation. And this and these range from overt violation, that is, hiring a student and not paying the – the fee remission for the greater than FTE 50%, they – they involve deliberately hiring a student appointee at under 50% so as to avoid the fee remission, and I think the third version is, let's see, I'm trying to – oh, right, that the – the hiring unit only pays the fee remission for courses that the student appointee takes in that particular unit. So, as you see there – there's sort of a whole spectrum of –

ROBEL: Which – which has been the College's position.

GRAY: Well...

ROBEL: Yes.

GRAY: Yes. So the College is kind of the loser on – on this.

ROBEL: Well, no. I – I think – one thing I just want to clarify in the middle of this is that there – in my own humble opinion, this shouldn't be driving anything having to do with academics for students, and therefore I have asked the deans – this has been a constant issue since Subbaswamy was Dean of the College of Arts and Sciences, and maybe before. And so I have asked the deans to solve this issue by the end of the semester.

GRAY: Fantastic. That – that's terrific to have someone take over [Laughter] the – the burden.

ROBEL: So – so I – you've got a Rashoman problem on your hands, my friend, and there are lots of views of – of what's moral here, depending on where you happen to sit. I – I have asked the deans to solve for maximum academic flexibility by our students, because I believe unless somebody's instructing me otherwise, that's the right result, right?

GRAY: Exactly.

ROBEL: Okay.

GRAY: - And we – we do want to protect the students' interest. So, thank you. And we will – we will keep you posted. What we're doing right now on our committee is – is collecting data because, in fact, Lauren we plan to come see you about this, with all our – our data –

ROBEL: Yeah.

GRAY: – our big data. [comment indistinct] Is that a question?

KARTY: Is there a huge net outflow? I mean, so, I would imagine over the large picture this would either average out or be a small fraction of some unit's budget.

ROBEL: Can I – can I ask David to respond to that because we've done these studies in the past.

DALEKE: Yeah, I am – unfortunately, I've served on a couple of the committees that have re-evaluated this starting way back before Subbaswamy came. That the issues – it's complicated because it depends on how you count students, and I won't go into the boring details but about twelve years ago [comment indistinct] about eight, about ten years ago we did the first of these that I can recall, and the net imbalance was in the hundreds of thousands of dollars [comment indistinct], and in the budget sizes of the schools that we have now it is essentially a very small amount. So, at that time, things kind of went away and then they came back again because of the reason that the funds still flow and when you're looking at your budget you realize this. Currently we're trying to do another data analysis that is more precise than the ones that we've done in the past to try to get a better idea of what the number is, but in the end, the number may not be what is important, but what might be really important is what we do to best serve the students. And I've met with Margot's committee, and we've been working on providing some data for them in that regard.

ROBEL: Okay. Thank you. Yeah?

TERRY: I – I'd like to suggest a substitute for you investigating, if you end up not having to investigate this one, and that's something that Lauren mentioned at the beginning, the proposed sexual misconduct policy. It leaves open the question of whether allegations of sexual misconduct against student academic appointees should flow under the student procedures or under the employee procedures and – and that's exactly the target of your committee, is what's the life of student academic appointees like? You may have something useful to say on that issue.

GRAY: Yeah, we – we –

ROBEL: [comment indistinct] and I have had that conversation as well, and I think we should – it's one of the things I've got in front of the group that – that the policy that's up is quite specifically labeled a temporary policy, and one of the things that we have to figure out before they do anything permanent, I mean, they obviously have to – they have to comply with the requirements of the federal law – that – that we have to comply with so – but before they put a permanent policy up, it has to articulate into our current policies, and one of the places where

it seems – both the faculty board of review, the academic misconduct policy on the faculty side, and the student academic appointee policy on the student side, all student academic appointee review board, they all have to be put together in a way that makes sense here.

PAOLILLO: Lauren, I think given that this – the temporary status of that policy could be a point at which there, you know, apart from this thirty-day comment period, there will be a place for faculty input? Faculty consultation?

ROBEL: I think it's important for you to comment on the policy that's up, but I also just want to be clear that the policy that's up, it says on its face it's temporary, right? So, I think it's important that people understand, who are doing the policy drafting, that there are – what your reactions are the policy that's there. I think it would be more helpful if the draft policy at this point articulated which of those pieces came out of federal law, and which federal law they came out of, so that we can – but – but in the meantime it's explicitly a, you know, it's a temporary policy on its face up on the policy review, so we – I – I would comment on it because we've been asked to comment on it.

SHERMAN: Yeah, this – this morning the Executive Committee of the University Faculty Council had a teleconference. The committee itself plus John Applegate and Michael McRobbie, and because the – there was a little delay in the draft policy getting out and [comment indistinct] getting a chance to look at it, there was agreement that a) the – the period of time for comment would be extended somewhat and b) that if the comments and the changes were more than trivial, there would be another period to be able to comment on the –

TERRY: Next version.

SHERMAN: – next version of the draft policy. So, I think we're not hamstrung by a very short amount of time, I hope.

ROBEL: Okay.

TRIX: I just wanted to say I thought that thirty days was really short and the policy shows little understanding of sexual assault.

ROBEL: The – the policy that's up is – is up because the federal government has required that we adopt certain things. So your – your complaint, and I am not saying it's unwarranted, should go to the Office of Civil Rights in the Department of Education.

TRIX: Wait, didn't – didn't we write it, though?

ROBEL: We wrote it because the Department of Education in the – in the Office of Civil Rights and Title IX have certain requirements that they say all universities have to adopt. My – my job

is to assure that we are complying at the level that we have to and no more around the federal policies, because I think everything else we have in place is designed to help us do, you know, actually address the issue, whereas this is simply a compliance matter. And so I don't want to suggest that this policy – this draft policy – is the best thinking of Indiana University about how to deal with sexual assault. It is not that. It is a compliance matter with the Department of Education's Office of Civil Rights and no more.

TRIX: So it's just a beginning.

ROBEL: No. There's a lot going on besides that policy.

MCCLOSKEY: Could you explain what that is, then?

ROBEL: That's why we met last time, and I would be happy to have us come back and talk a lot more about that. Last time the people who came in to speak were asked to speak to one thing, which was, what effect will this have on faculty members? What will this policy review from the Office of Civil Rights have on faculty members? What we had, the Culture of Care person, student person here, and she spoke a little bit, and while we had Pete Goldsmith and Leslie Fasone in the back of the room, the – the narrow question that this Council asked those folks to address was only the effect of the Office of Civil Rights review on faculty members. We – I would be thrilled to have an opportunity to address with this Council a more – a – a much broader set of issues. That's something that you all should take up with the agenda committee.

MCCLOSKEY: Right, and we absolutely will, because we formed an informal working group that – we're looking for a committee to latch onto, but – and – and I was going to talk to Jim about this, but there are a number of faculty who've had experience with students, who've gone through the system here, who have a brain, and – and where the situation was not – not really optimal at all. It was a real problem, and so for people who have real personal experience, I myself have done research on the effects of sexual assault. It's my main area. So I feel like I know something at least about the literature and the field there, and I feel like it is really important for faculty to step up and say this is wrong on our campus and we want something done about it –

ROBEL: I totally agree.

MCCLOSKEY: [comment indistinct] Frances' frustration is because that policy is a public policy and it is inadequate and [comment indistinct] –

ROBEL: Of course, it's not the whole policy. It's not our whole response to sexual assault. It has – it is just what it is, and it's exactly what I said it is. It is nothing more. There's a lot of other

stuff going on around sexual assault, and I'm thrilled that you would like to step up and work on that.

MCCLOSKEY: [comment indistinct]

ROBEL: There's a whole group of faculty members who are working right now, as I said last time, Sarita Soni is the chair, there are – there are three other large groups that are student-facing, one big group of student services professionals. So I – I don't want you to think that that sexual assault policy is the university's response to sexual assault. That sexual assault policy is the university's response to the Office of Civil Rights in the Department of Education's Title IX review, and nothing more. There is a lot else going on on campus. I'd love to have you involved. So, alright. Let's keep going. David – Student Affairs?

ESTELL: Yeah, this could – could be mighty brief, sorry. My kindergartener has – has gotten me quite sick. So when all of you are coughing in a couple of days, you're welcome. Yeah, so I'm chair of the Student Affairs Committee and our committee's a little bit different because we're the primary interface between the student groups and this particular Council. And so most of the policies or position statements we take up are actually initiated by students' groups. I have been on the committee for four years, chaired it for the last two years, and actually we haven't had a whole lot happen. We didn't actually meet last year, we were sort of floating with the meeting should something come up. It didn't. Given all this movement now on the sexual assault policy, I'm assuming things will start coming for us, especially the student groups that are beginning to form their own sort of working groups on what they want to do about it. It will probably come through us, and then hopefully we can coordinate with some of the other groups since obviously that effort's not going to be one committee. It's pretty clear it's going to be Student Appointee Committee, the Student Affairs Committee, the Faculty Affairs Committee since it involves all of us. Right now we're sort of waiting on IUSA representation, you know, who's going to be the leadership? We also could work with GPSO, and so looking forward to any sort of policies, revisions, things that you guys would like to move forward, we're really the body to initially to take that on. And so I'm assuming again, we haven't had a whole lot on the agenda for the last couple years, but I think that's going to start changing as these new policies come up. We've just had a very sort of steady policy climate for a couple of years regarding students. Yes?

HARMAN: Yes, so we have put students to all – basically all these committees [comment indistinct] and I have found over the years, sitting on several of these committees that I – I had a better purview of the university, but most students come in and they're just – they don't know what is going on. They don't know how the committee functions, what its purview is, how – how everything works and moves through the university system. So, not only you, but I think all the chairs, it would be great if you could just sit down with your student representative for

twenty minutes and explain to them, you know, this is sort of how the committee functions, this is what it does, and this is how you can be engaged in that process. Otherwise, I don't think they're going to grab on to that right away, just it takes them a semester to figure it out, and then by the next semester, they're gone. So, if you guys could be proactive about that, that would be great.

ESTELL: I mean that's a great idea. I think [comment indistinct] for all committees, just getting students involved and keeping them informed because again, obviously, there's going to be a lot more rotation on student representation. And so right at the time when students are ready to move forward is when they then have to worry about graduating oftentimes, and so that's not really ideal.

ROBEL: Thank you, David.

ESTELL: Alright, thank you.

ROBEL: Okay, and Technology Policies?

MCDONALD: Hi, I'm Robert McDonald and I'm here representing the Technology Policies Committee. We have our meetings in the fall set. We're a committee of fifteen. We advise the vice president for information and technology on matters with technology policy outside of distributed education, and the issues we have returning from the previous year were with the IU Student Information System's use of legal name and preferred name. We wanted to follow up on that. We did some progress with it to make sure that everyone that used the preferred name can get access to that with their systems, and follow up on the now implementation of Big Red II, the [comment indistinct] computing system here at IU. The new issues that we had so far are with the IT-28 policy, that has to do with cyber risk mitigation, and they were with some issues raised from the School of Informatics and Computing faculty wanting to have good conduit for the implementation of IT-28, especially in regards to how it effects their research and teaching in terms of the implementation of IT-28. And that's the short and sweet summary for the Technology Policies Committee, thank you.

ROBEL: Yes, terrific, thanks.

ESTELL: Actually, the preferred name policy was actually one of the last things [comment indistinct] a student-led initiative for students to be able to have their preferred names used [comment indistinct] a student-led initiative, but again it's not – it doesn't [comment indistinct] but that would be great to hear your preferred name now [comment indistinct] you figure it out. So obviously it's easier said than done to kind of –

MCDONALD: Well, we – there was a role out this fall of a – of a new piece for that and – but we did want to follow up and make sure that – that people know about it. There’s basically systems that are outside of UITS that need access to the data.

AGENDA ITEM 8: RESOLUTION ON ACADEMIC FREEDOM

ROBEL: Thank you so much. As is clear from the presentations and more that I assume you’ll have next time, the work of the Council is done through its committees, and so it’s critical that you understand what the work of the various committees are and that you’re able to channel the things that you would like to see the Council work on during the year into one of its committees so that the committee chair can then work to get those items onto the agendas over the course of the year, so that we’re sure that the work of the Council and the faculty is moving forward on the things that – that matter to our faculty. So we have an – another agenda item, and we’ve got about five minutes left. So we’ll see how far we get on it. This is a resolution on academic freedom, and before we can have a discussion on it, we need to have a motion and a second on it. And I assume you would move it, Steve, since it’s your resolution.

SANDERS: So moved.

ROBEL: Okay, a second?

UNIDENTIFIED MALE SPEAKERS: Second.

ROBEL: Okay, so you have the motion and a second and the proponent of the motion typically speaks to open so, Steve, would you please?

SANDERS: Thank you. And just so you know, I am symbolically taking off my parliamentary hat in order to participate substantively in this. Before I was fortunate enough to come back to IU to start teaching, less than a couple of years ago, I was in private practice in a large law firm in Chicago, and one element of my practice was *pro bono* representation of the AAUP in a number of cases involving faculty free speech rights and academic freedom. And I would often tell people that one of the reasons that’s where I choose to focus my *pro bono* practice was the fifteen years I had spent on this campus previously soaking up its values related to faculty governance, academic freedom, and openness of expression generally. This campus – I was influenced by people going from Herman Wells to Mary Burgan to Ken Gros Louis to Pat Brantlinger, names that many of you know. This campus has a great tradition, but we cannot take these kinds of traditions for granted. There have been a number of recent controversies in American higher education about academic freedom. Most of you are familiar with the controversy over Professor Steven Salaita, and his hiring at the University of Illinois. That is only the most recent, but it is not the only one. Professor – a professor named Loretta Capeheart at Northeastern Illinois University sued her university several years ago claiming retaliation and

adverse treatment because she had spoken out very publicly on a number of controversial issues including the CIA and the university's under-enrollment of Latino students and other matters. I worked with the AAUP and we filed a brief in support of Professor Capeheart in her lawsuit in federal court. Chicago State University has been accused of trying to shut down a blog that is critical of its administration regarding issues of potential corruption. At Colorado State University a professor found his e-mail, without notice, cut off because he had sent an e-mail that was critical of the university administration's plan to fire up to faculty mem – up – up to fifty staff. It was said that his e-mail had somehow created an imminent threat or danger. We shouldn't take our academic freedom for granted, and it's useful from time to time in a faculty governance body like this one, I suggest, to underscore the values of this campus, and policies of this campus. A number of us on the Executive Committee were are of concern that's been brought by some of you and some of our colleagues about these issues. Ben Robinson, among others, has – has brought that concern to the Executive Committee, and the resolution you have in front of you is what emerged from the Executive Committee and is recommended to you by me, I guess, as the proponent, and by the Executive Committee.

Because faculty governance and academic freedom are intertwined the resolution makes two points: 1) that responsibility for – responsibility for policies as well as individual hiring decisions are vested primarily in the faculty, and this is not merely a statement of philosophy, this is a point that is actually embodied in various provisions of the Bloomington Faculty Constitution. And second, that faculty members have the same rights and duties as other citizens to participate responsibly in debates, not only within their scholarly communities, but on all matters of public concern. Indiana University's policy states flatly that in public utterances, our faculty and librarians shall be free of the institutional control. In other words, a faculty member shall not suffer disciplinary or other adverse consequences due to their public utterances. In a section that is not mandatory, but is mere precatory, the policy goes on to Council and suggests that in a way it would be fitting in an academic community, in neutral fora, in a marketplace of ideas, the teacher or librarian should recognize that a professional position in the community also involves a reciprocal obligation to be accurate, to express appropria – to exercise appropriate constraint, and to show respect for the rights of others to express their views. The language here in the second part has been approved, or reapproved by Faculty Councils at Indiana University since 1966. And so in the current climate, I would suggest – it's never – we can never underscore these critical principles too often, and so I drafted and suggest this resolution. It's been voted out by the Executive Committee and I put it on the floor for your consideration.

ROBEL: John?

PAOLILLO: I want to express my appreciation for listening to our concerns and bringing this forward to us [comment indistinct].

ROBEL: Thank you.

GREINER: Are we able to propose amendments to –

ROBEL: Of course.

GREINER: – the resolution? Okay.

ROBEL: I do want to point out and I – I suppose I have to do this – that is 5:30 and to continue past 5:30 apparently according to our bylaws takes a unanimous vote of the Bloomington Faculty Council.

GREINER: So if that does not happen it would just be tabled until our next meeting or – ?

SANDERS: Yeah.

ROBEL: Yes.

GREINER: It just –

SHERMAN: Yeah –

ROBEL: It would be –

SHERMAN: It – It – at least in my opinion, it would be a good idea because that would – if we continue it would cause us to rush through this, I believe. I would rather have a full discussion of it. The problem is that at the next meeting Lauren will not be here, and I personally would prefer that she be here for the discussion unless she feels that –

SPANG: [comment indistinct] a very charged agenda, right?

SHERMAN: And what?

SPANG: The following meeting, the one at the beginning of November, already has a very charged agenda.

SHERMAN: Yeah, so maybe the next meeting is actually the – the best one for us because it's the least full.

MCCLOSKEY: Maybe we should have a vote and just try to see if we could stay five more minutes [comment indistinct]

SHERMAN: I'm not sure five minutes would do it.

[Multiple indistinct comments]

ROBEL: Can we just – is the – Laura – is your motion to call –

SPANG: Call the question.

ROBEL: – call the question?

MCCLOSKEY: I guess. I'm not sure. I just heard the [comment indistinct].

[Multiple indistinct conversations]

ROBEL: So the – October 21st is the next meeting of – of the Council. And – and please do feel free to take this up without me here. Although, I – I mean I can read the – the minutes.

KARTY: So is that a new motion?

TERRY: No.

ROBEL: No, it does not.

SHERMAN: And – and if this does go to the next meeting, I will make sure it's the first item on the agenda for the next meeting.

ROBEL: Well, we're at 5:30.

MEETING ADJOURNED 5:32PM